

SB 232, HCA 1 -- STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION SUITS

SPONSOR: Loudon (Bivins)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 12 to 0 with 1 present.

This bill provides that all conduct, speech, or other petitioning activities made in connection with a public meeting will be immune from civil liability if the conduct is aimed at procuring any government action. Currently, a party sued for the conduct is authorized to file a special motion to dismiss the action. The bill specifies that the motion will be granted unless the responding party produces clear and convincing evidence that the moving party is not immune from liability.

A party who prevails on a special motion may petition the court for the actual and punitive damages for abuse of process and malicious prosecution. The expenses of a party initiating legal action based on the conduct, speech, or other petitioning activities will qualify as a tax-deductible business expense.

The Attorney General is authorized to intervene and assume the costs of defending a suit which appears to be violating a Missouri citizen's speech which is immune from civil liability as provided in the bill.

HCA 1 -- Provides that conduct or speech undertaken or made at or in connection with a public meeting will possess a qualified privilege against liability for slander or libel when the speech is aimed at procuring any governmental action and that a special motion to dismiss this type of action will not be granted unless the responding party shows by a preponderance of the evidence that the moving party is not privileged from liability.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPONENTS: Supporters say that the bill allows for the award of punitive damages. It clarifies some provisions from last year's bill.

Testifying for the bill was Senator Loudon.

OPPONENTS: There was no opposition voiced to the committee.

Amy Woods, Senior Legislative Analyst